

108TH CONGRESS  
1ST SESSION

# S. 793

To provide for increased energy savings and environmental benefits through the increased use of recovered mineral component in federally funded projects involving procurement of cement or concrete.

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IN THE SENATE OF THE UNITED STATES

APRIL 7, 2003

Mr. BYRD (for himself and Mr. JEFFORDS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To provide for increased energy savings and environmental benefits through the increased use of recovered mineral component in federally funded projects involving procurement of cement or concrete.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. INCREASED USE OF RECOVERED MINERAL**  
 2 **COMPONENT IN FEDERALLY FUNDED**  
 3 **PROJECTS INVOLVING PROCUREMENT OF**  
 4 **CEMENT OR CONCRETE.**

5 (a) AMENDMENT.—Subtitle F of the Solid Waste  
 6 Disposal Act (42 U.S.C. 6961 et seq.) is amended by add-  
 7 ing at the end the following new section:

8 **“SEC. 6005. INCREASED USE OF RECOVERED MINERAL**  
 9 **COMPONENT IN FEDERALLY FUNDED**  
 10 **PROJECTS INVOLVING PROCUREMENT OF**  
 11 **CEMENT OR CONCRETE.**

12 “(a) DEFINITIONS.—In this section:

13 “(1) AGENCY HEAD.—The term ‘agency head’  
 14 means—

15 “(A) the Secretary of Transportation; and

16 “(B) the head of each other Federal agen-  
 17 cy that on a regular basis procures, or provides  
 18 Federal funds to pay or assist in paying the  
 19 cost of procuring, material for cement or con-  
 20 crete projects.

21 “(2) CEMENT OR CONCRETE PROJECT.—The  
 22 term ‘cement or concrete project’ means a project  
 23 for the construction or maintenance of a highway or  
 24 other transportation facility or a Federal, State, or  
 25 local government building or other public facility  
 26 that—

1 “(A) involves the procurement of cement  
2 or concrete; and

3 “(B) is carried out in whole or in part  
4 using Federal funds.

5 “(3) RECOVERED MINERAL COMPONENT.—The  
6 term ‘recovered mineral component’ means—

7 “(A) ground granulated blast furnace slag;

8 “(B) coal combustion fly ash; and

9 “(C) any other waste material or byprod-  
10 uct recovered or diverted from solid waste that  
11 the Administrator, in consultation with an  
12 agency head, determines should be treated as  
13 recovered mineral component under this section  
14 for use in cement or concrete projects paid for,  
15 in whole or in part, by the agency head.

16 “(b) IMPLEMENTATION OF REQUIREMENTS.—

17 “(1) IN GENERAL.—Not later than 1 year after  
18 the date of enactment of this section, the Adminis-  
19 trator and each agency head shall take such actions  
20 as are necessary to implement fully all procurement  
21 requirements and incentives in effect as of the date  
22 of enactment of this section (including guidelines  
23 under section 6002) that provide for the use of ce-  
24 ment and concrete incorporating recovered mineral  
25 component in cement or concrete projects.

1           “(2) PRIORITY.—In carrying out paragraph (1)  
 2           an agency head shall give priority to achieving great-  
 3           er use of recovered mineral component in cement or  
 4           concrete projects for which recovered mineral compo-  
 5           nents historically have not been used or have been  
 6           used only minimally.

7           “(3) CONFORMANCE.—The Administrator and  
 8           each agency head shall carry out this subsection in  
 9           accordance with section 6002.

10          “(c) FULL IMPLEMENTATION STUDY.—

11           “(1) IN GENERAL.—The Administrator, in co-  
 12           operation with the Secretary of Transportation and  
 13           the Secretary of Energy, shall conduct a study to de-  
 14           termine the extent to which current procurement re-  
 15           quirements, when fully implemented in accordance  
 16           with subsection (b), may realize energy savings and  
 17           environmental benefits attainable with substitution  
 18           of recovered mineral component in cement used in  
 19           cement or concrete projects.

20           “(2) MATTERS TO BE ADDRESSED.—The study  
 21           shall—

22           “(A) quantify the extent to which recov-  
 23           ered mineral components are being substituted  
 24           for Portland cement, particularly as a result of  
 25           current procurement requirements, and the en-

1           ergy savings and environmental benefits associ-  
2           ated with that substitution;

3           “(B) identify all barriers in procurement  
4           requirements to fuller realization of energy sav-  
5           ings and environmental benefits, including bar-  
6           riers resulting from exceptions from current  
7           law; and

8           “(C)(i) identify potential mechanisms to  
9           achieve greater substitution of recovered min-  
10          eral component in types of cement or concrete  
11          projects for which recovered mineral compo-  
12          nents historically have not been used or have  
13          been used only minimally;

14          “(ii) evaluate the feasibility of establishing  
15          guidelines or standards for optimized substi-  
16          tution rates of recovered mineral component in  
17          those cement or concrete projects; and

18          “(iii) identify any potential environmental  
19          or economic effects that may result from great-  
20          er substitution of recovered mineral component  
21          in those cement or concrete projects.

22          “(3) REPORT.—Not later than 30 months after  
23          the date of enactment of this section, the Adminis-  
24          trator shall submit to the Committee on Appropria-  
25          tions and Committee on Environment and Public

1 Works of the Senate and the Committee on Appro-  
2 priations, Committee on Energy and Commerce, and  
3 Committee on Transportation and Infrastructure of  
4 the House of Representatives a report on the study.

5 “(d) ADDITIONAL PROCUREMENT REQUIREMENTS.—  
6 Unless the study conducted under subsection (c) identifies  
7 any effects or other problems described in subsection  
8 (c)(2)(C)(iii) that warrant further review or delay, the Ad-  
9 ministrator and each agency head shall, not later than 1  
10 year after the date of submission of the report under sub-  
11 section (c)(3), take additional actions authorized under  
12 this Act to establish procurement requirements and incen-  
13 tives that provide for the use of cement and concrete with  
14 increased substitution of recovered mineral component in  
15 the construction and maintenance of cement or concrete  
16 projects, so as to—

17 “(1) realize more fully the energy savings and  
18 environmental benefits associated with increased  
19 substitution; and

20 “(2) eliminate barriers identified under sub-  
21 section (c).

22 “(e) EFFECT OF SECTION.—Nothing in this section  
23 affects the requirements of section 6002 (including the  
24 guidelines and specifications for implementing those re-  
25 quirements).”.

1       (b) TABLE OF CONTENTS AMENDMENT.—The table  
2 of contents of the Solid Waste Disposal Act (42 prec.  
3 6901) is amended by adding after the item relating to sec-  
4 tion 6004 the following new item:

“Sec. 6005. Increased use of recovered mineral component in federally funded  
projects involving procurement of cement or concrete.”.

